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977-978

MASS. J5.1: 977-978  
APPEALS COURT

CHAPTER 740 - ACTS of 1972



G.L.c. 211A

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REPORT of the CLERK of the APPEALS COURT

(January 1, 1977 - December 31, 1977)

To: THE GENERAL COURT OF 1978

Honorable Kevin B. Harrington  
President of the Senate  
Honorable Thomas W. McGee  
Speaker of the House

From: THE CLERK of the APPEALS COURT

Honorable John E. Powers, Esq.

Date: JANUARY 5, 1978

Copy to: EXECUTIVE

Honorable Michael S. Dukakis  
Governor of the Commonwealth of Massachusetts  
Honorable Thomas P. O'Neill, III  
Lieutenant Governor of the  
Commonwealth of Massachusetts

Copy to: JUDICIARY

Honorable Edward F. Hennessey  
Chief Justice of the Supreme Judicial Court  
for the Commonwealth of Massachusetts  
Honorable Allan M. Hale  
Chief Justice of the Appeals Court  
for the Commonwealth of Massachusetts

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## ANNUAL REPORT

As Clerk and Administrator of the Appeals Court for the Commonwealth of Massachusetts, I hereby submit for your consideration my report of the activity of the Court for the calendar year 1977.

Calendar 1977 was reflective of continued productivity in this intermediate appellate court with a record 1166 appeals having been entered in the Clerk's Office and in addition thereto 451 single justice - temporary order matters were also entered on the dockets of this Court.

A chronology of relevant, salient events shows:

### January - June 1977:

188 appeals were scheduled by the Clerk's Office for oral argument before the court;

21 appeals, in addition to the above, were also considered by the court and it affirmed, under its Summary Affirmance Rule 1:28 (see Appendix-7), the action of the court below;

585 appeals were entered in the Clerk's Office and their progress carefully monitored by caseload management techniques rigorously applied;

1,184 additional matters were acted upon on the single justice - temporary order side of the court;

### July - August 1977:

226 additional appeals were entered in the Clerk's Office and monitoring techniques continued;

29 appeals, in addition to the above, were also considered by the court and it affirmed, under its Summary Affirmance Rule 1:28 (see Appendix-7), the action of the court below;



the third anniversary (July 1, 1977) of the Massachusetts Rules of Civil and Appellate Procedure showed continued improvement by the members of the Bar in their preparation of the appendix (the record on appeal) as they assimilated a better understanding of the Court's requirements. The transition from "the old to the new" appears to be safely accomplished.

September - December 1977:

96 appeals were scheduled by the Clerk's Office for oral argument before the Court;

41 appeals, in addition to the above, were also considered by the court and it affirmed, under its Summary Affirmance Rule 1:28 (see Appendix-7), the action of the court below;

355 additional appeals were entered in the Clerk's Office and the monitoring procedures applied;

941 additional matters were acted upon on the single justice - temporary order side of the Court;

The Court sat in Springfield on September 12, 1977 marking the fourth time this Court in its short history has "gone on circuit". The three judge panel was made up of Chief Justice Allan M. Hale and Associate Justices Christopher J. Armstrong and Frederick L. Brown.

Fees in the amount of \$8,250. were collected by the Clerk's Office and deposited with the Treasurer for the Commonwealth of Massachusetts in calendar 1977.

For those who wish to note statistically the progression of "numbers" in this Court, I have attached appendices numbered A-1 through A-4 which compare calendar years 1976 and 1977 and appendices A-5 and A-6 which graphically compare calendar years 1972 - 1977.

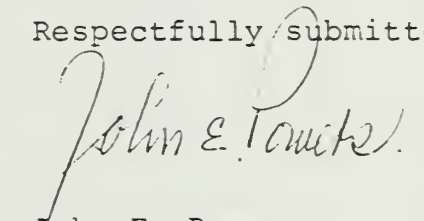


### CONCLUSION

The mandate of the General Court continues to be implemented effectively by the close cooperation of the Court and the Clerk's Office.

The astute application of good, modern-day business practices, consistent with the needs of the judiciary and those in litigation before it, continues to provide substantive support to further the administration of justice at this appellate level by this Clerk's Office.

Respectfully submitted,

A handwritten signature in cursive script, reading "John E. Powers". The signature is written in dark ink and is positioned above the printed name.

John E. Powers  
Clerk, Appeals Court



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APPEALS  
BEFORE  
THREE OR MORE JUSTICES

| CALENDAR YEARS                            | 1976 | 1977 | % OF CHANGE |
|---|------|------|-------------|
| DIRECT ENTRIES                            | 793  | 1165 | + 47%       |
| + TRANSFERS FROM S.J.C.                   | -    | 1    | +<br>- 0%   |
| TOTAL ENTRIES *                           | 793  | 1166 | + 47%       |
| - TRANSFERS TO S.J.C.                     | 195  | 225  | + 15%       |
| NET ENTRIES                               | 598  | 941  | + 57%       |
| - DISMISSALS/APPEALS<br>WITHDRAWN-REMANDS | 206  | 312  | + 51%       |
| PRESENT ENTRIES                           | 392  | 629  | + 60%       |
| APPEALS HEARD                             | 269  | 284  | + 5%        |
| APPEALS SUMMARILY<br>AFFIRMED             | 42   | 91   | + 117%      |

|                |          | * CRIMINAL v. CIVIL |      |             |
|----------------|----------|---------------------|------|-------------|
| CALENDAR YEARS |          | 1976                | 1977 | % OF CHANGE |
|                | CRIMINAL | 165                 | 191  | + 15%       |
|                | CIVIL    | 628                 | 975  | + 55%       |
|                | TOTALS   | 793                 | 1166 | + 47%       |



APPEALS

BY

COUNTIES

| CALENDAR YEARS | 1976 | 1977 | % OF CHANGE |
|----------------|------|------|-------------|
| BARNSTABLE     | 28   | 44   | + 57%       |
| BERKSHIRE      | 19   | 48   | +152%       |
| BRISTOL        | 32   | 32   | +<br>- 0%   |
| DUKES          | 7    | 1    | - 85%       |
| ESSEX          | 51   | 78   | + 53%       |
| FRANKLIN       | 7    | 7    | +<br>- 0%   |
| HAMPDEN        | 45   | 112  | +149%       |
| HAMPSHIRE      | 5    | 21   | +320%       |
| MIDDLESEX      | 160  | 220  | + 37%       |
| NANTUCKET      | 4    | 3    | - 25%       |
| NORFOLK        | 60   | 92   | + 53%       |
| PLYMOUTH       | 43   | 55   | + 28%       |
| SUFFOLK        | 270  | 362  | + 34%       |
| WORCESTER      | 62   | 91   | + 46%       |
| TOTALS         | 793  | 1166 | + 47%       |



TEMPORARY ORDER/INTERLOCUTORY

BEFORE

SINGLE JUSTICE

| CALENDAR YEARS             | 1976 | 1977 | % OF CHANGE |
|----------------------------|------|------|-------------|
| ENTRIES/ACTIONS            | 1940 | 2603 | + 34%       |
| + TRANSFERS FROM<br>S.J.C. | 134  | 34   | - 74%       |
| TOTAL ENTRIES/ACTIONS      | 2074 | 2637 | + 27%       |
| - TRANSFERS TO<br>S.J.C.   | -    | 2    | +<br>- 0%   |
| NET ENTRIES/<br>ACTIONS    | 2074 | 2635 | + 27%       |

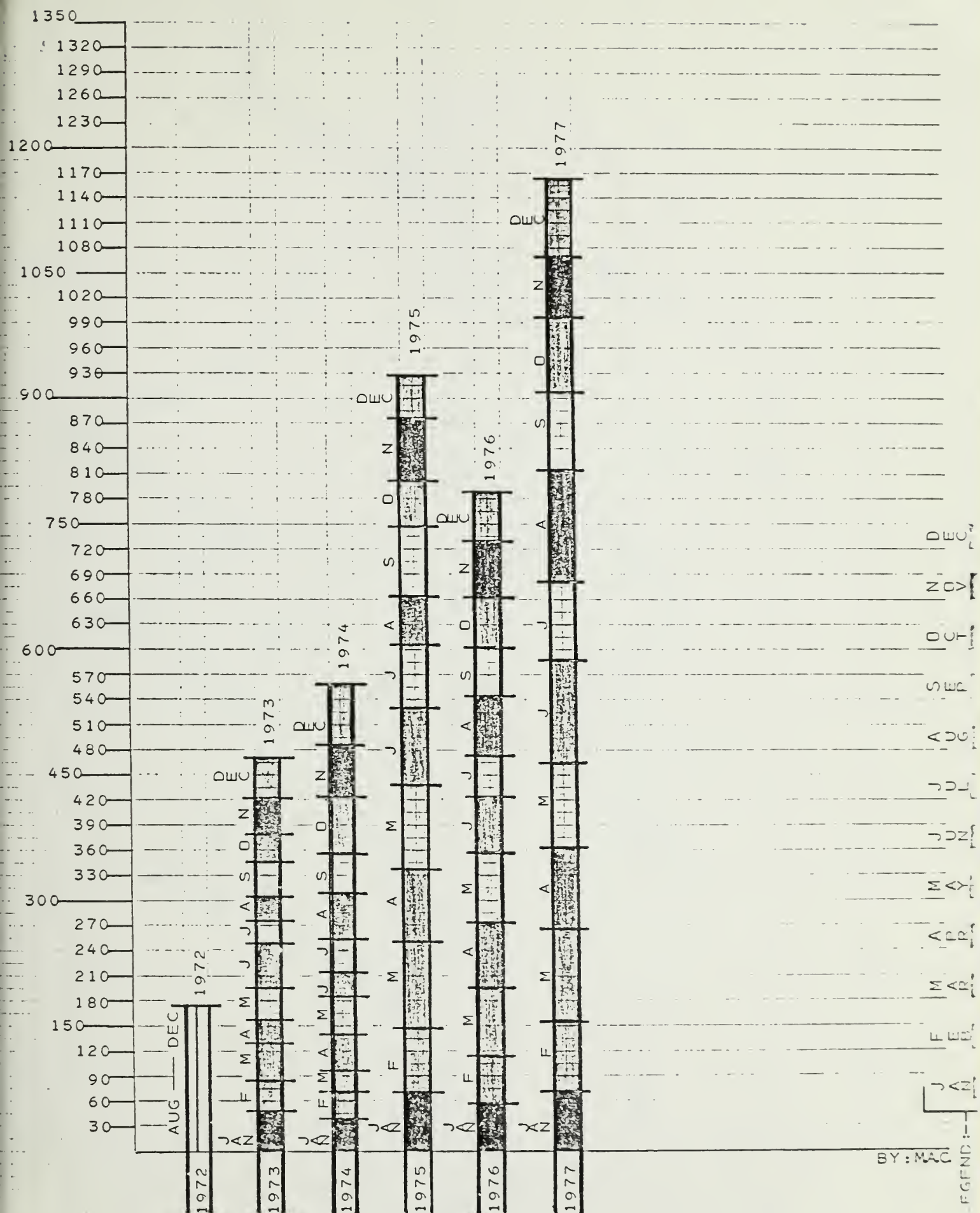


FEES COLLECTED

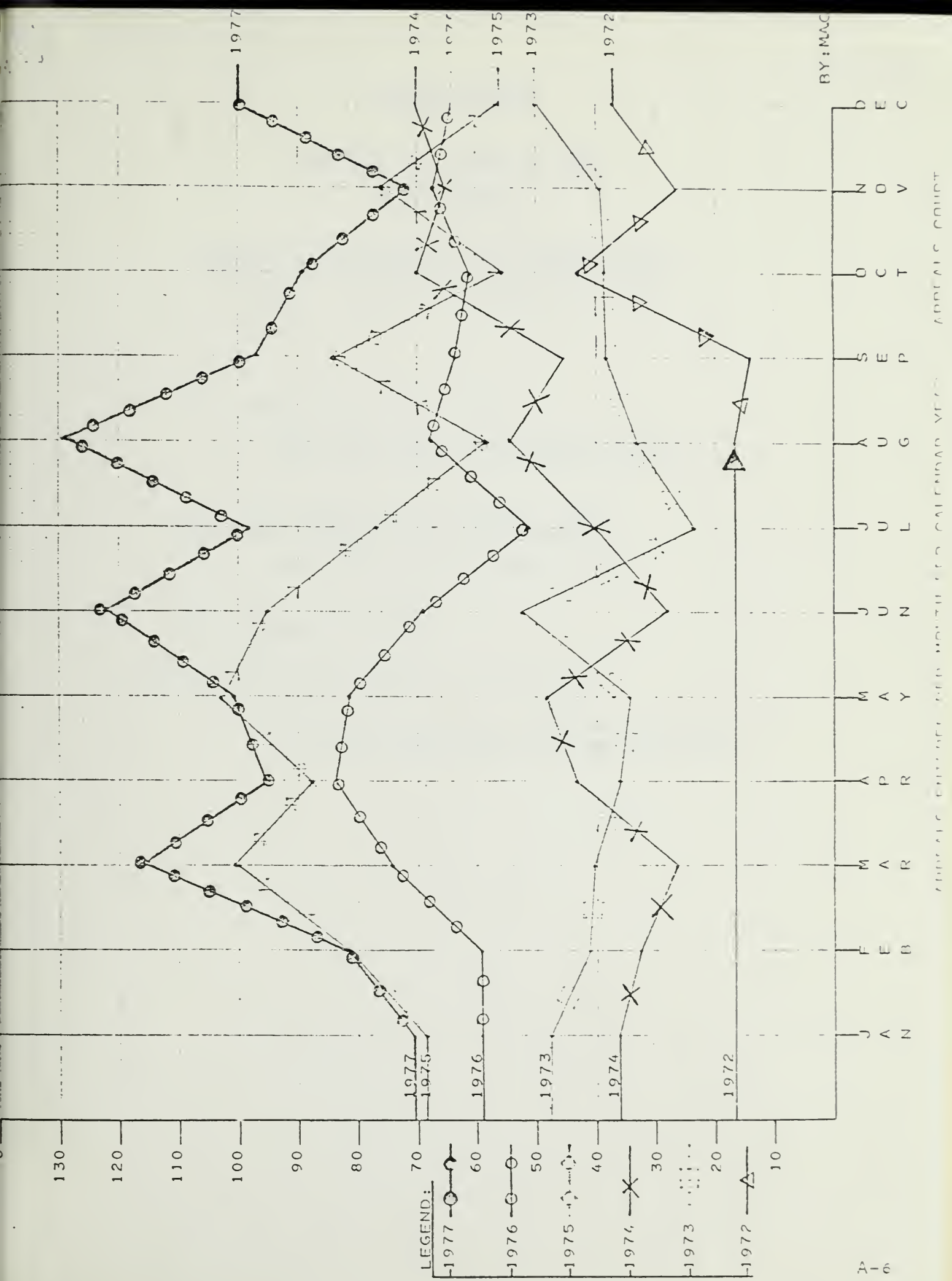
| CALENDAR YEARS |        | 1976    | 1977    | % OF CHANGE |
|----------------|--------|---------|---------|-------------|
|                | TOTALS | \$4,745 | \$8,250 | + 74%       |













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REC. ✓

APPEALS COURT

CHAPTER 740 - ACTS of 1972

G.L.c. 211A

REPORT of the CLERK of the APPEALS COURT

(January 1, 1978 - December 31, 1978)

To: Honorable Allan M. Hale

Chief Justice of the Appeals Court  
for the Commonwealth of Massachusetts

From: THE CLERK of the APPEALS COURT

Honorable John E. Powers, Esq.

Date: January 3, 1979

Copy to: Honorable Edward F. Hennessey

Chief Justice of the Supreme Judicial Court  
for the Commonwealth of Massachusetts



## ANNUAL REPORT

In accordance with Chapter 478 of the Acts of 1978, I, as Clerk of the Appeals Court for the Commonwealth of Massachusetts, hereby submit for your consideration my report of the activity of the Court for the calendar year 1978.

Calendar 1978 was reflective of continued productivity in this intermediate appellate court with 1008 appeals having been entered in the Clerk's Office and in addition thereto 430 single justice - temporary order matters were also entered on the dockets of this Court.

Appendices numbered A-1 through A-4 are attached for your convenience.

John E. Powers  
Clerk, Appeals Court





APPEALS  
BEFORE  
THREE OR MORE JUSTICES

| CALENDAR YEARS                            | 1976 | 1977 | 1978 |
|---|------|------|------|
| DIRECT ENTRIES                            | 793  | 1165 | 1008 |
| + TRANSFERS FROM S.J.C.                   | -    | 1    | -    |
| TOTAL ENTRIES*                            | 793  | 1166 | 1008 |
| - TRANSFERS TO S.J.C.                     | 195  | 225  | 273  |
| NET ENTRIES                               | 598  | 941  | 735  |
| - DISMISSALS/APPEALS<br>WITHDRAWN-REMANDS | 206  | 312  | 291  |
| PRESENT ENTRIES                           | 392  | 629  | 444  |
| APPEALS HEARD                             | 269  | 284  | 292  |
| APPEALS SUMMARILY<br>DISPOSED             | 42   | 91   | 135  |

| *              |          | CRIMINAL V. CIVIL |      |      |
|----------------|----------|-------------------|------|------|
| CALENDAR YEARS |          | 1976              | 1977 | 1978 |
|                | CRIMINAL | 165               | 191  | 183  |
|                | CIVIL    | 628               | 975  | 825  |
|                | TOTALS   | 793               | 1166 | 1008 |



APPEALS

BY

COUNTIES

| CALENDAR YEARS | 1976 | 1977 | 1978 |
|----------------|------|------|------|
| BARNSTABLE     | 28   | 44   | 24   |
| BERKSHIRE      | 19   | 48   | 35   |
| BRISTOL        | 32   | 32   | 47   |
| DUKES          | 7    | 1    | 4    |
| ESSEX          | 51   | 78   | 96   |
| FRANKLIN       | 7    | 7    | 6    |
| HAMPDEN        | 45   | 112  | 72   |
| HAMPSHIRE      | 5    | 21   | 10   |
| MIDDLESEX      | 160  | 220  | 169  |
| NANTUCKET      | 4    | 3    | 5    |
| NORFOLK        | 60   | 92   | 85   |
| PLYMOUTH       | 43   | 55   | 44   |
| SUFFOLK        | 270  | 362  | 324  |
| WORCESTER      | 62   | 91   | 67   |
| TOTALS         | 793  | 1166 | 1008 |



TEMPORARY ORDER/INTERLOCUTORY

BEFORE

SINGLE JUSTICE

| CALENDAR YEARS             | 1976 | 1977 | 1978 |
|----------------------------|------|------|------|
| ENTRIES/ACTIONS            | 1940 | 2603 | 3648 |
| + TRANSFERS FROM<br>S.J.C. | 134  | 34   | 36   |
| TOTAL ENTRIES/ACTIONS      | 2074 | 2637 | 3684 |
| - TRANSFERS TO<br>S.J.C.   | -    | 2    | 1    |
| NET ENTRIES/<br>ACTIONS    | 2074 | 2635 | 3683 |
| HEARINGS HELD              |      |      | 369  |
| CRIMINAL                   |      |      | 60   |
| CIVIL                      |      |      | 309  |



FEEES COLLECTED

| CALENDAR YEARS |        | 1976    | 1977     | 1978     |
|----------------|--------|---------|----------|----------|
|                | TOTALS | \$4,745 | \$8,250. | \$7,682. |





COMMONWEALTH OF MASSACHUSETTS

THE APPEALS COURT

CLERK'S OFFICE

BOSTON 02108

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CLERK

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FIRST ASSISTANT CLERK

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ASSISTANT CLERK

ANDREW P. QUIGLEY, JR.  
ASSISTANT CLERK

ASHLEY BROWN AHEARN  
ASSISTANT CLERK

(617) 725-8106-7-8-9

April 23, 1987

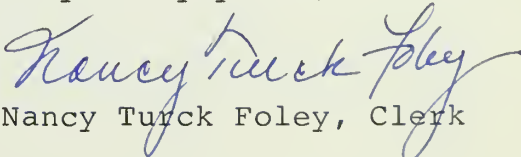
Leonard Adams  
Documents Librarian  
Government Documents Collection  
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University of Massachusetts  
Amherst, Massachusetts 01003

Re: Report of the Clerk

Dear Mr. Adams:

Enclosed please find a copy of the Report of the Clerk for calendar year 1977. I have also included the report for 1978 which was the last year that the report was prepared. The Appeals Court was created in 1972 to alleviate the case burden of the Supreme Judicial Court. The purpose of the report was to articulate the initial impact of the Appeals Court. The report is no longer necessary and the last report was issued in 1978.

Very truly yours,

  
Nancy Turck Foley, Clerk

NTF/jbm

Enclosures



